

From: sharris@mail00.cdocs.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:05pm
Subject: Microsoft Settlement

Ms. Hesse and Associates:

One could (and I believe some have) written enough on the proposed Microsoft settlement to fill a book. You have undoubtedly been made aware of the details of these complaints so I will keep my comments brief.

1. The proposed settlement does not address the main issue of the case -- namely, that Microsoft used illegal and anticompetitive business practices to achieve and maintain a virtual monopoly. The settlement does nothing to address the damage done to the market nor does it prevent the continuance or repetition of these practices.
2. Not only does the settlement fail to address past and present behavior, but I fear that its general impotence will only encourage Microsoft and others to flout the law and to seek revenge on those who have testified against them.
3. If accepted, the proposed settlement will be a public relations fiasco. The Justice Department under John Ashcroft will be seen as "soft on crime" at best. The abrupt change in direction in this case following Ashcroft's appointment may well be linked to campaign donations and presented as evidence of corruption. (There are courts other than those of law, and some of them will accept rumors as evidence). The Ashcroft administration -- and by extension, perhaps the President's -- will be viewed as being for sale. The software industry as a whole already views the American court system as generally corrupt and untrustworthy, and this proposal will only strengthen that perception.

It is my hope that this travesty of a settlement will be rejected.

Sincerely,
Scott Harris